

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SAIM SARWAR.,

Plaintiff,

v.

SAI RAM GROUP LLC,

Defendant.
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ORDER OF DISMISSAL

20 CV 9430 (VB)

On November 12, 2020, plaintiff commenced the instant action against defendant Sai Ram Group LLC.

On December 8, 2020, plaintiff docketed a proof of service indicating service on defendant on November 23, 2020. (Doc. #7). Accordingly, defendant had until December 14, 2020, to respond to the complaint. See Fed. R. Civ. P. 12(a)(1)(A)(i).

As of December 21, 2020, defendant had not answered, moved, or otherwise responded to the complaint. Thus, that same day, the Court ordered plaintiff to seek a certificate of default as to defendant by December 28, 2020, and thereafter to move, by order to show cause and in accordance with the Court's Individual Practices, for default judgment against defendant by January 11, 2021. The Court warned in bold and underlined typeface that if plaintiff failed to satisfy either deadline, the Court may dismiss the case without prejudice for failure to prosecute or failure to comply with court orders. Fed. R. Civ. P. 41(b). (Doc. #8).

As of January 13, 2021, plaintiff had neither obtained a certificate of default nor moved, by order to show cause and in accordance with the Court's Individual Practices, for default judgment against defendant. Accordingly, the Court extended to January 20, 2021, plaintiff's time to seek a certificate of default, and extended to February 3, 2021, plaintiff's time to move, by order to show cause and in accordance with the Court's Individual Practices, for default judgment against defendant. The Court warned in bolded language that if plaintiff failed to comply with either deadline, the Court WILL dismiss this case without prejudice for failure to prosecute or failure to comply with court orders. Fed. R. Civ. P. 41(b). (Doc. #15).

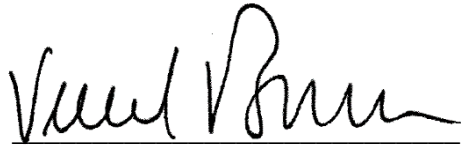
To date, plaintiff has neither obtained a certificate of default nor moved, by order to show cause and in accordance with the Court's Individual Practices, for default judgment against defendants.

Accordingly, this case is dismissed without prejudice pursuant to Fed. R. Civ. P. 41(b).

The Clerk is instructed to close this case.

Dated: February 5, 2021
White Plains, NY

SO ORDERED:

A handwritten signature in black ink, appearing to read 'Vincent Briccetti', written over a horizontal line.

Vincent L. Briccetti
United States District Judge